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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,494	10/16/2003	Marc Husemann	tesa AG 1615-WCG	9053

27386 7590 01/18/2005

NORRIS, MCLAUGHLIN & MARCUS, P.A.  
875 THIRD AVE  
18TH FLOOR  
NEW YORK, NY 10022

EXAMINER
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ZALUKAEVA, TATYANA

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,494

Applicant(s)

HUSEMANN ET AL.

Examiner

Tatyana Zalukaeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by any one of the following each one individually: Husemann et al (US 2003/0013790A1) or Husemann et al (U.S. 2003/0073767A1) or Husemann et al (U.S. 6,765, 078).

Husemann'790 discloses pressure sensitive adhesive based on triblock copolymers having alternating groups P(A) and P(B) (abstract). P(A) represents a homopolymer or copolymer block obtainable from a component A which is composed of at least two monomers A1, A2, the polymer block P(A) having a softening temperature of from -80C to 0 C (abstract, [0022], P(B) represents a homopolymer or copolymer block obtainable from a component B which is composed of at least one monomer B1, the polymer block P(B) having a softening temperature of from 20C to 175 C [0027]. Crosslinking is disclosed in [0084]. The pressure sensitive adhesive was applied to PE or polypropylene substrate [0091]. See also [0103].

Husemann'767 discloses a pressure sensitive adhesive based on block copolymers, said block copolymers having at least one unit composed of three successive polymer blocks comprising alternating polymer blocks P(A) and P(B), wherein P(A) has a softening temperature of from -80C to 0C., and is comprised of at least one acrylic or methacrylic acid derivative of the general formula

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(I) and at least one acrylated monomer of the general formula (II), and

P(B) represents a homopolymer or copolymer block having a softening temperature of from 20C to 175C (abstract), [0037, 0038, 0045, 0081, 0082, 00840105, 0109].

Husemann'078 discloses block polymers comprising blocks of polyacrylates having the instantly claimed properties (abstract, col.3, lines 65-67, col.4, lines 1-10, 44, 45, col.5, lines 48-50, 59-65, col.6, lines 8-17, 27-31, 40-49, col.13, lines 1-5, 30-35, Table 4.).

The claimed mould is met by the disclosure of the above references since Husemann et. al. (US 2003/0013790A1) teaches that pressure sensitive adhesive compositions being "...applied from the hot melt to a background material"

Husemann et. al. (US 2003/0073767A1 ) recites the same use at Col. 1. paragraph 021, and Husemann et al et. al. (US 6,765,078) likewise refers to the adhesive materials disclosed therein as being used as a film on a support. Since the instant specification does not provide an explicit definition what is meant by a mould, the term "mould" is read in its commonest meaning and in the light of examples of mould provided in the instant specification, e.g. page 9, lines 4-7, which is practically describing the same mode as applied references, page 17, lines 1-5 (describes any possible shapes and dimensions of mouldings).

3. Claims 1-8 stand rejected under 35 U.S.C. 102(b) as anticipated by WO 0039233.

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WO'233 discloses the PSA comprising block copolymer that comprises at least one of:

(A-B-A) triblocks,  $-(A-B)_n$ - multiblocks,  $(A-B)_n$ - star blocks, and

combinations thereof. Particularly preferred are the linear (A-B-A) triblock

structures. Preferably, the block copolymer is a methacrylate block copolymer (page 5, lines 27-31). Reads on limitations of claim 1. Cohesive strength of adhesive is at least about 2,000 minutes when measured according to ASTM D 3654. Preferably,

the adhesive has a cohesive strength of at least about 6,000 minutes when measured

according to ASTM D 3654 (paragraph bridging pages 5 and 6). The substrate can be any suitable type of material depending on the desired application. Typically, the

substrate comprises a nonwoven, woven, foam, paper, polypropylene (e.g., biaxially

15 oriented polypropylene (BOPP)), polyethylene, polyester (e.g., polyethylene

terephthalate), or release liner (e.g., siliconized liner). (page 24, lines 9-16) Reads on

claim 2. The adhesive can be **compressed between two release surfaces and**

**cooled** to form an adhesive transfer tape useful in laminating applications (page 25, lines 1-5). This reads on limitations of the instant claim 6.

With specific regard to claim 3, WO'233 teaches that the A blocks are each polymers independently derived from a monoethylenically unsaturated monomer, which as a homopolymer has a glass transition temperature ( $T_g$ ) of greater than about  $20^{\circ}\text{C}$ , preferably about  $20^{\circ}\text{C}$  to about  $200^{\circ}\text{C}$  (page 6, lines 8-10). (B) block is a polymer

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derived from a monoethylenically unsaturated monomer, which as a homopolymer has a glass transition temperature (T<sub>g</sub>) of less than about 20°C, preferably about -70°C to about 20°C, (page 6, lines 17-20). With regard to the moulding, the rationale applied above is incorporated herein in its entirety.

### ***Response to Arguments***

4. Applicant's arguments filed 11/02/2004 have been fully considered but they are not persuasive. The crux of Applicants' arguments appears to hinge on the moulding that is allegedly not anticipated or disclosed in the prior art applied by the Examiner. .

The claimed mould is met by the disclosure of the above references since Husemann et. al. (US 2003/0013790A1) teaches that pressure sensitive adhesive compositions being "...applied from the hot melt to a background material" Husemann et. al. (US 2003/0073767A1 ) recites the same use at Col. 1. paragraph 021, and Husemann et al et. al. (US 6,765,078) likewise refers to the adhesive materials disclosed therein as being used as a film on a support. Since the instant specification does not provide an explicit definition what is meant by a mould, the term "mould" is read in its commonest meaning and in the light of examples of mould provided in the instant specification, e.g. page 9, lines 4-7, which is practically describing the same mode as applied references, page 17, lines 1-5 (describes any possible shapes and dimensions of mouldings). Furthermore, the definitions of moldings provided in the dictionaries comply with any three dimensional shaped article including a film, as taught by the prior art.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva  
Primary Examiner  
Art Unit 1713

January 11, 2005

A handwritten signature in black ink, appearing to read 'Tatyana Zalukaeva', with a long, sweeping horizontal line extending to the right.